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March 11, 2004

VIA HAND DELIVERY

Hon Ron Jones, Director  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Implementation of the Federal Communications Commission's  
Triennial Review Order (Nine-month Proceeding)(Switching)*  
Docket No. 03-00491

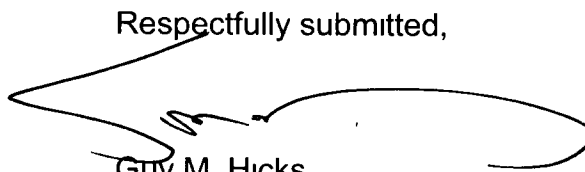
Dear Director Jones:

Enclosed are the original and fourteen copies of the *Comments of BellSouth Regarding Suspension of Proceedings*. BellSouth believes that in light of current uncertainties, it would make the most sense to simply suspend the current proceedings where they are now, and hold the proceedings in abeyance until further direction is received from a court of proper jurisdiction, or from the FCC, as a result of the DC Circuit Court's recent Order

As information, the Florida and Georgia Public Service Commissions have recently decided to suspend their TRO loop & transport proceedings. The Florida Commission had completed its switching hearing at the time the DC Circuit Court issued its Order. The Georgia Commission was approximately half way through its switching hearing when the DC Circuit Court ruled, and elected to complete the remaining portion of the hearing rather than suspend it. Finally, the Mississippi Public Service Commission has recently decided to suspend all of its TRO proceedings and the North Carolina, Louisiana and South Carolina commissions have called for comments as to whether their proceedings should be suspended as well.

Copies of the enclosed are being provided to counsel of record.

Respectfully submitted,



Guy M Hicks

GMH ch

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BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee

In Re: *Implementation of the Federal Communications Commission's  
Triennial Review Order (Nine-month Proceeding)(Switching)*  
Docket No. 03-00491

**COMMENTS OF BELL SOUTH REGARDING  
SUSPENSION OF PROCEEDINGS**

Pursuant to the Notice of Filing issued in this docket on March 5, 2004, BellSouth Telecommunications, Inc. ("BellSouth"), submits its comments addressing how the March 2, 2004 Order of the United States Court of Appeals for the District of Columbia Circuit ("DC Circuit Court") in *United States Telecomm Association v Federal Communications Commission*, No. 00-1012, (the appeal of the FCC's Triennial Review Order ("TRO")), affects the future progress of this docket, and specifically addresses the issue of whether this docket should be suspended or held in abeyance pending further developments resulting from that appeal.

While BellSouth is prepared to move forward with the hearing in the referenced docket, it seems doubtful that doing so would be the best use of the Authority's time, or of the time and resources of the parties to this docket. The decision of the DC Circuit Court places the fundamental underpinnings of the FCC's TRO order in question. It does so in such a decisive manner, particularly with regard to the sub-delegation of the FCC's authority to the state commissions, that there is no reasonable assurance that the Authority's decision in these proceedings would or could be productive. Further, because of the language of the

DC Circuit Court's decision regarding the FCC's approach to the substantive issues raised in this docket, it is not certain that these proceedings actually address the issues that will have to be resolved, even if the issue regarding sub-delegation could be resolved in a manner that allows the state commissions to move forward.

In light of these uncertainties, it would make the most sense to simply suspend the current proceedings where they are now, and hold these proceedings in abeyance until further direction is received from a court of proper jurisdiction, or from the FCC as a result of the DC Circuit Court's order. BellSouth would recommend that the Authority have the parties provide periodic informal updates, so that if it is ultimately determined that the state proceedings can go forward, that this can be done promptly.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

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## CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2004, a copy of the foregoing document was served on the parties of record, via the method indicated:

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A handwritten signature in black ink, appearing to be 'Ken Woods', written over a horizontal line.